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Agenda item 18
The situation in the occupied territories of Azerbaijan

Azerbaijan: draft resolution

Observance of international humanitarian law and international human rights law in the occupied territories of Azerbaijan

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Reaffirming the principles and norms of international humanitarian law, in particular The Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 and the Regulations annexed thereto[1] and the Geneva Conventions of 12 August 1949[2] and Additional Protocol I thereto of 8 June 1977,[3]

Reaffirming also the international standards of human rights, in particular the Universal Declaration of Human Rights,[4] the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Economic, Social and Cultural Rights,[6] the International Covenant on Civil and Political Rights,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Elimination of All Forms of Discrimination against Women,[8] the Convention on the Rights of the Child,[9] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[10] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[11]

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[1] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).
[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[3] Ibid., vol. 1125, No. 17512.
[4] Resolution 217 A (III).
[5] Resolution 260 A (III), annex.
[6] See resolution 2200 A (XXI), annex.
[7] United Nations, *Treaty Series*, vol. 660, No. 9464.
[8] Ibid., vol. 1249, No. 20378.
[9] Ibid., vol. 1577, No. 27531.
[10] Ibid., vol. 1465, No. 24841.
[11] A/CONF.157/24 (Part I), chap. III.

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Reaffirming further the importance of the principles and provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954[12] and its Protocols of 14 May 1954[12] and 26 March 1999[13] respectively,

Recalling General Assembly resolutions 48/114 of 20 December 1993, entitled "Emergency international assistance to refugees and displaced persons in Azerbaijan", and 60/285 of 7 September 2006 and 62/243 of 14 March 2008, both entitled "The situation in the occupied territories of Azerbaijan",

Recalling also Security Council resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 12 November 1993,

Recalling further the report of the fact-finding mission of the Minsk Group of the Organization for Security and Cooperation in Europe to the occupied territories of Azerbaijan surrounding Nagorno-Karabakh and the letter on the fact-finding mission from the Co-Chairs of the Minsk Group addressed to the Permanent Council of the Organization for Security and Cooperation in Europe,[14] as well as the report of the environmental assessment mission led by the Organization for Security and Cooperation in Europe to the fire-affected territories in and around the Nagorno-Karabakh region,[15]

Taking note of the report of the Secretary-General on the situation in the occupied territories of Azerbaijan, in implementation of General Assembly resolution 62/243,[16]

Taking note also of the joint statement on the Nagorno-Karabakh conflict made in Muskoka, Canada, on 26 June 2010 by the Presidents of the countries of the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe, France, the Russian Federation and the United States of America, in which, inter alia, they reaffirmed their commitment to support the leaders of Armenia and Azerbaijan as they finalize the basic principles for the peaceful settlement of the conflict,

Gravely concerned by forced demographic changes, interference with property rights, inadequate protection of the cultural heritage and sacred sites in the conflict-affected territories in and around the Nagorno-Karabakh region and the unresolved issue of persons reported missing,

Affirming the obligation of the parties concerned to respect international humanitarian law and international human rights law,

1. *Reaffirms* the continuing applicability of all relevant norms of international humanitarian law and international human rights law to the situation concerning the conflict-affected territories in and around the Nagorno-Karabakh region;

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[12] United Nations, *Treaty Series*, vol. 249, No. 3511.

[13] Ibid., vol. 2253, No. 3511.

[14] A/59/747-S/2005/187, annexes I and II.

[15] A/61/696, annex.

[16] A/63/804 and Corr.1 and Add.1.

2. *Also reaffirms* the commitment to ensure the inalienable right of the population expelled from the conflict-affected territories in and around the Nagorno-Karabakh region and their descendants to return to their homes, and stresses the necessity of creating appropriate conditions to this end;

3. *Determines* that the return of the population expelled from the conflict-affected territories in and around the Nagorno-Karabakh region will create favourable conditions for taking confidence-building measures and encouraging people-to-people contacts;

4. *Also determines* that all measures taken to change unilaterally the physical character, demographic composition, institutional structure and status of the conflict-affected territories have no legal effect and constitute a serious obstruction to ongoing efforts towards the negotiated settlement of the conflict;

5. *Stresses* the need to ensure the protection of cultural heritage and sacred sites in the conflict-affected territories in and around the Nagorno-Karabakh region;

6. *Underlines* the need to take immediate steps in establishing the fate of persons reported missing in connection with the conflict, and urges States and encourages intergovernmental and non-governmental organizations to take all necessary measures to provide appropriate assistance to this end;

7. *Invites* relevant special procedures of the Human Rights Council, the United Nations human rights treaty monitoring bodies and other United Nations entities, as appropriate, to address in fulfilling their respective mandates the issue of observance of international humanitarian law and international human rights law in the conflict-affected territories in and around the Nagorno-Karabakh region;

8. *Also invites* the Organization for Security and Cooperation in Europe to dispatch urgently a multinational fact-finding mission, composed of the representatives of the participating States of the Organization with the relevant expertise, to inquire into and report on the observance of international humanitarian law and international human rights law in the conflict-affected territories in and around the Nagorno-Karabakh region, paying primary attention to the implantation of settlers and to the current state of cultural heritage and sacred sites in these territories, and requests the Secretary-General to provide, if necessary, the relevant assistance to this end;

9. *Requests* the Secretary-General to prepare, in collaboration with United Nations entities and international and regional organizations and arrangements, as appropriate, and submit to the General Assembly at its sixty-fifth session a comprehensive report on the implementation of the present resolution;

10. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "The situation in the occupied territories of Azerbaijan".